IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8692 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

USHABEN S SHAH

Versus

REGIONAL PASS PORT OFFICER

Appearance:

MR HD VASAVADA for Petitioner

MR UI VYAS for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 17/08/2000

ORAL JUDGEMENT

Rule. Mr.U.I.Vyas, Learned Additional Central Govt.Standing Council waives service of rule for the respondents.

2. In this petition under Article 226 of the Constitution, the petitioner has prayed for writ of mandamus directing the Regional Passport Officer, Ahmedabad to carry out following corrections in the petitioner's passport:

(i) change of birth place of the petitioner from Padra, Dist.Baroda, Gujarat to Dumka, Santhal Pargnas, Bihar State;

(ii) change in the petitioner's name from "Ushabahen" to "Ushaben'.

3. It is the case of the petitioner that the petitioner had earlier applied for passport through an agent and by mistake in the application the place of birth was shown as Padra, Dist.Baroda, Gujarat as the petitioner and her parents were residing there and in the School Leaving Certificate also the place of birth of the petitioner was shown as Padra. Thereafter, the petitioner approached the American Consulate for visa and at that time the petitioner was required to obtain the birth certificate. The petitioner made enquiries and learnt that the petitioner was not born at Padra but was born at village Dumka, Santhal Pargnas, Bihar State. The petitioner's mother also filed affidavit dated 8.6.99 (at annexure "C" to the petition). Assistant Health Officer, Dumka Municipality, S.P issued certificate, dated 29.5.85 (annexure "D" to the petition) to the effect that the petitioner's birth has not been recorded in the birth register of Dumka Municipality. The petitioner is stated to have made application dated 3.5.2000 (annexure "B" to the petition) to the Regional Passport Officer for correcting the mistakes in the place of birth of the petitioner as well as in the name of the petitioner.

4. The Regional Passport Officer is directed to consider the petitioner's application dated 3.5.2000 for correction in her place of birth as well as in her name (spelling only) and pass appropriate orders within a period of one month from the date of receipt of a certified copy of this order or the writ of this Court, whichever is earlier.

5. In case the petitioner is required to apply for a fresh passport the petitioner shall comply with the requisite formalities for the same.

6. The petition is accordingly allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

Since the respondents are not responsible for the mistakes in question, the petitioner shall pay costs of this petition which are quantified at Rs.1,000/- to respondent No.1 within two weeks from today. Direct service is permitted.

17.8.2000 (M.S.SHAH,J)